

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SHIRLEY MUSE,)
vs.)
Plaintiff,)
)
LOVE, BEAL, & NIXON,)
)
Defendant.)
)
NO. CIV-08-1268-HE

ORDER

Plaintiff filed a motion to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 636(b)(3), the motion was referred to Magistrate Judge Gary M. Purcell who recommends that the motion be denied and that the action be dismissed with prejudice unless plaintiff pays the full filing fee.

The parties, having failed to object to the Report and Recommendation [Doc. #11], waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 East 30th Street, 73 F.3d 1057, 1059-60 (10th Cir. 1996). The court adopts the Report and Recommendation. Plaintiff's motion to proceed *in forma pauperis* [Doc. #6] is **DENIED**. Absent payment of the full filing fee by **January 15, 2009**, this case will be dismissed.

IT IS SO ORDERED.

Dated this 9th day of January, 2009.


JOE HEATON
UNITED STATES DISTRICT JUDGE